

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE GENERALI COVID-19 TRAVEL
INSURANCE LITIGATION,

)
)
) Case No. 20-md-2968
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)

**[PROPOSED] FINAL JUDGMENT AS TO PLAINTIFFS CLONTS'S, GARNER'S,
JOHNER'S, SHARMA'S, MORRIS'S, AND SCHRADER'S CLAIMS AND CERTAIN OF
PLAINTIFF OGLEVEE'S CLAIMS**

Following transfer to this Court as ordered by the United States Judicial Panel on Multidistrict Litigation, plaintiffs filed a consolidated class action complaint against Defendants Generali US Branch and Customized Services Administrators, Inc. alleging breach of insurance contracts and related non-contract claims. *See* ECF #24. This Court granted Defendants' motion to dismiss the claims of Plaintiffs Clonts, Garner, Johner, Sharma, Morris, and Schrader for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *See* ECF #56. The Court also granted Defendants' motion to dismiss plaintiff Oglevee's claims arising out of the insurance policy she purchased in connection with her flight tickets, while staying as subject to arbitration her other claims arising out of a different insurance policy purchased through VRBO.com. *See id.*; ECF #57. As all of plaintiffs' claims that the Court has not dismissed are stayed pending conclusion of arbitration, the Court now enters this Final Judgment.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the cases and claims of Plaintiffs Clonts, Garner, Johner, Sharma, Morris, and Schrader are severed and dismissed with prejudice for the reasons stated in the Court's December 21, 2021 Order. ECF #56.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the claims of Plaintiff Oglevee arising out of the Generali travel insurance policy she purchased in connection with her flight tickets are severed and dismissed with prejudice. *See* Consolidated Complaint ¶ 98, ECF

#24; *see also* ECF #56 at 9. This Final Judgment does not apply to Plaintiff Oglevee's other claims (*i.e.*, those arising out of the policy she purchased through VRBO.com), which remain stayed pending the conclusion of arbitration. *See* ECF #57 at 23.

Finding no just reason for delay, the Court enters this judgment under Rule 54(b) of the Federal Rules of Civil Procedure.¹ The Clerk is respectfully directed to enter this Final Judgment against plaintiffs Clonts, Garner, Johner, Sharma, Morris, Schrader, and Oglevee and in favor of Defendants Generali US Branch and Customized Services Administrators, Inc. forthwith.

Dated: 2/9, 2022


UNITED STATES DISTRICT JUDGE

¹ As the motion to dismiss was granted with respect to plaintiffs' superseding consolidated class action complaint in this multidistrict litigation, the Court enters this final, appealable judgment pursuant to Rule 54(b) with respect to all plaintiffs and claims specified herein. *See e.g.*, *Gelboim v. Bank of America Corp.*, 574 U.S. 405, 413 n.3 (2015); *Bell v. Publix Super Markets, Inc.*, 982 F.3d 468, 489-90 (7th Cir. 2020) (discussing effect of consolidated complaints in multidistrict litigation on finality of judgments and Rule 54(b)).

CERTIFICATE OF SERVICE

The underlying attorney certifies that a true and correct copy of the foregoing was served upon all parties of record via the U.S. District Court for the Southern District of New York's Electronic Filing System on February 1, 2022.

/s/ Bronwyn F. Pollock